

An  
Bord  
Pleanála

**Board Order**  
**ABP-311598-21**

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: S.254.94**

**Appeal** by Signal Infrastructure Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 10<sup>th</sup> day of August, 2021 by Kilkenny County Council to refuse a licence.

**Licence Application:** 18 metres high smart street pole solution and associated cabinet, at N24, Filbuckstown, Mooncoin, County Kilkenny.

## **Decision**

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

## REASONS AND CONSIDERATIONS

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, to the national, regional and local policy objectives, as set out in the Kilkenny City and County Development Plan 2021 - 2027 and the "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in 1996, as updated by circular letter PL 07/12 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously obtrusive to the amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. A road opening licence shall be obtained by the applicant and its costs shall be paid to the planning authority. Full details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of pedestrian and vehicular safety, clarity and orderly development.

3. No infrastructure shall be located within the visibility splay of the N24 and L7577. The exact location of the infrastructure shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

4. In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned, following discussions with the planning authority, the developers shall remove the pole and associated structures and return the site to its original condition, at their own expense.

**Reason:** To ensure satisfactory reinstatement of the site upon decommissioning of the structure

5. The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of permission.

**Reason:** To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

6. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

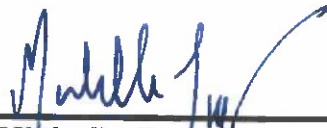
**Reason:** In the interest of public health.

7. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

**Reason:** In the interest of the visual amenity of the area.



Michelle Fagan

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.



Dated this 1<sup>st</sup> day of February 2023.